No. 20-752

In The
Supreme Court of the United States

GAVIN B. DAVIS,

Petitioner,

v.

STATE OF CALIFORNIA,

Respondent.

On Petition for a Writ of Certiorari to the Court of Appeal, California, Fourth Appellate District, Division One

PETITION FOR REHEARING

GAVIN B. DAVIS, Pro Per
Petitioner & Federalist
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Pursuant to Rule 44 of this Court, Petitioner, Mr. Gavin B. Davis ("Petitioner"), hereby respectfully petitions for rehearing of this case for good cause, namely that substantial grounds not previously presented exist regarding the case: a Constitutional case regarding the egregious and unlawful misuse and de facto "weaponization" of monetary bail and pre-trial custody in violation of the 4th and 8th Amendments.

Such matter is of contemporary national and state importance (28 U.S.C. §§ 1657, 2101(e)); and, whereby also in light of various prominent and increasingly frequent legislative state actions, including Illinois passage of HB3653, becoming the first state to formally abolish monetary bail on February 22, 2021.

In this regard, as the Court has not provided a super-precedential ruling on monetary bail; and whereby, there is great potential for Circuit Court split absent this Court's Opinion, as the Third Circuit has recently published a 52-page Opinion centered around the Constitutionality of Bail and on Constitutional protections related to crimes (*Brittan Holland; Lexington National Insurance Corporation, v. Kelly Rosen, Mary Colalillo, Christopher S. Porrino*; 3rd Cir., No. 17- 3104, (2018)), which found no constitutional requirement for monetary bail, rendering such as "a product of economic opportunity" and cited instances in which the use of money to secure a person's release has been criticized as "discriminatory, arbitrary and ill-suited to ensuring a defendant's appearance in court," and also stating, "monetary

bail often deprived presumptively innocent defendants of their pretrial liberty, a result that surely cannot be fundamental to preserving ordered liberty"); therefore, such also qualifies as a modern-day "first impression" question before the Court.[1]

Invariably, this Court will be called upon to be the land's final arbiter and resolve this issue, a growing Constitutional issue across the nation—this case, *Davis v. California*, is a quintessential lens through which to view the various issues. Petitioner in so moving in this Rehearing Petition, graciously and respectfully requests that the Court "collect cases," finding historic precedent for the Court to spend lengthy periods of time, even years, prior to rehearing; whereas such would be jurisprudent in the granting of this Petition for Rehearing. (see e.g. in *Halliburton Oil Well Cementing Co. v. Walker*, 327 U.S. 812, the Court granted rehearing in February 1946, ibid., and heard reargument 240 days later in October 1946, see 329 U.S. 1 (1946). See also, e.g., *MacGregor v. Westinghouse Elec. & Mfg. Co.*, 329 U.S. 402 (1947) (reargument 248 days after rehearing granted); in a few earlier cases, several years elapsed between the grant of rehearing and reargument. See *Home*

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[1] The matter is not "well-settled", and is ripe for super-precedential plenary review by the Court (see e.g. denial precedent in *Ambler v. Whipple*, 87 U.S. (20 Wall.) 546, 558 (1874), reh'g denied, 90 U.S. (23 Wall.) 278 (1874); whereby, one threshold for potential review is: is the issue "well-settled". In this case, monetary bail, it is not; it is of great contemporary controversy, with political forces increasingly moving toward its abolishment for good cause, including but not limited to the notion that such is patently unconstitutional.

Ins. Co. v. New York, 122 U.S. 636 (1887) (granting rehearing February 7, 1887), and 134 U.S. 594 (1890) (reargument March 18-19, 1890); *Selma, Rome & Dalton R.R. v. United States*, 122 U.S. 636 (1887) (granting rehearing March 28, 1887), and 139 U.S. 560 (1891) (reargument March 25-26, 1891))

This case involves, generally,

(i) Petitioner, a Cornell University graduate with substantial work experience working "shoulder-to-shoulder" with leading global attorneys over a twenty (20) year professional career; having no criminal history, having disputed criminal charges brought against him by

(ii) Mr. John Gregory Unruh, a reputed member of organized crime (Las Vegas Mafia; see also e.g. *United States of America v. J. Gregory Unruh,* USDC DA, 2:95-mj-05124-MS-1, (1995) and all underlying or related criminal records);

(a) made twenty-seven (27) non-duplicative court appearances at-liberty in defense of such disputed charges;

(b) while having the prosecution, the Office of the San Diego District Attorney ("SDDA") repeatedly attempt to either or both of remand the Petitioner to custody and pre-trial detention, or to increase the terms and conditions of monetary bail until such point as Petitioner was no longer able to afford bail; and,

(c) held in such protracted jeopardy on the highest bail ever in California for the 'wobbler' charge in question: property damage to his own Recorded Homestead while he was the sole occupant.

Petitioner remained in pre-trial detention for approximately (6) months awaiting bail review as calendared on three (3) occasions with no hearing, despite appearing at court on such hearing dates, (as well as nothing filed in writ) in violation of his 4th and 8th Amendment rights.

Appellate attorney, Mr. John O. Lanahan (CSBN #133091, past head of the San Diego Criminal Defense Attorneys Association, Criminal Defense Attorney of the Year (2012, 2016), University of Chicago, J.D., Phi Beta Kappa) has found in no uncertain terms that the Respondent violated the Petitioner's Constitutional rights.

"The coercion in this case arose not from direct or indirect threats, but from being denied his liberty for an extended period of time on excessive bail and attempting to regain that liberty via a bail hearing, calendared three times but then taken off calendar, thereby supporting his claim that the only way he could be released from jail was to plea guilty. There is more than a reasonable probability had Petitioner been presented with the alternative of a bail review to regain his liberty, he would have chosen that as the means to be released from jail, in order to be at liberty and still able to contest his case." (*California v. Davis*, 4th Dist., Div. 1, D074186, Petition for Rehearing, pg. 4; see also D074186 full briefing)

CONCLUSION

Petitioner, good cause shown, respectfully requests that the court; a priori, GRANT this Petition for Rehearing on the matter of monetary

bail and its Constitutionality; thereafter, to collect cases on such matter, with *Davis v. California*, being one of such cases; and, finally, to review de novo the Petition for a Writ of Certiorari (20-752) and upon rehearing GRANT certiorari.

Petitioner requests that the Court grant any other relief that it deems appropriate.

Respectfully submitted, on this day, March 5, 2021.

GAVIN B. DAVIS, Pro Per
Petitioner & Federalist

DECLARATIONS MADE UNDER PENALTY OF PERJURY

All matters herein by the Petitioner are so declared under penalty of perjury as true and correct to the best of my knowledge pursuant to 28 U.S.C. § 1746. Executed on March 5, 2021.

GAVIN B. DAVIS, Pro Per
Petitioner & Federalist

NOTARY PUBLIC • STATE OF TEXAS •
Johann Reyes
My Commission Expires
11/30/2024
ID No 132801976

STATE OF Texas
COUNTY OF Bexar

SWORN TO and Subscribed before me by Gavin Blake Davis
on this 5th day of March, 2021.

Johann Reyes
Notary Public Signature